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7 *Attorneys for Plaintiffs,*  
8 *Xochitl Enriquez*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 Xochitl Enriquez,

12  
13 Plaintiffs,

14 vs.

15 U.S. Collections West, Inc.

16  
17 Defendant.  
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Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COMES THE PLAINTIFF, XOCHITL ENRIQUEZ, BY AND  
2 THROUGH COUNSEL, TRINETTE G. KENT, and for her Complaint against the  
3 Defendant, pleads as follows:  
4

5 **JURISDICTION**

- 6  
7 1. This court has jurisdiction under the Fair Debt Collection Practices Act  
8 (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.  
9

10 **VENUE**

- 11 1. The transactions and occurrences which give rise to this action occurred in the  
12 City of Goodyear, Maricopa County, Arizona.  
13  
14 2. Venue is proper in the District of Arizona, Phoenix Division.  
15

16 **PARTIES**

- 17 3. The Defendant to this lawsuit is U.S. Collections West, Inc., which is an  
18 Arizona company and maintains its registered agent in the City of Phoenix, in  
19 Maricopa County, Arizona.  
20

21 **GENERAL ALLEGATIONS**

- 22  
23 4. Defendant is attempting to collect a consumer type debt allegedly owed by  
24 Plaintiff, Xochitl Enriquez. This debt was a judgment that Defendant obtained  
25 against Plaintiff in the amount of \$2,228.33 on June 30, 2015.  
26  
27  
28

- 1 5. On or about July 21, 2015, Ms. Enriquez received a letter from Alan H.  
2 Zimmerman, P.C., attempting to collect the alleged debt in the amount of  
3 \$2,228.33.  
4
- 5 6. On or about July 31, 2015, Defendant sent a letter to Ms. Enriquez attempting  
6 to settle the alleged debt in the amount of \$6,258.26. Defendant misrepresented  
7 the debt as a "Promissory Note."  
8
- 9 7. Defendant misrepresented the amount of the debt, attempted to collect an  
10 amount not permitted by law, and used false, deceptive, or misleading  
11 representations or means in connection with the collection of the alleged debt,  
12 all in violation of the FDCPA.  
13  
14

15  
16 **COUNT I-VIOLATION OF**  
17 **THE FAIR DEBT COLLECTION PRACTICES ACT**  
18

- 19 8. Plaintiff reincorporates the preceding allegations by reference.
- 20 9. At all relevant times, Defendant, in the ordinary course of its business, regularly  
21 engaged in the practice of collecting debts on behalf of other individuals or  
22 entities.  
23
- 24 10. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in  
25 this case is a consumer debt.  
26
- 27 11. Defendant is a "debt collector" under the Fair Debt Collection Practices Act  
28 ("FDCPA"), 15 U.S.C. §1692a(6).

1 12. Defendant's foregoing acts in attempting to collect this alleged debt violated the  
2 following provisions of the FDCPA:  
3

4 a. 15 U.S.C. §1692e(10) by using any false representations or deceptive  
5 means to collect an alleged debt. Defendant did this when it sent Ms.  
6 Enriquez a letter stating that she had to sign it, representing the letter as a  
7 "Promissory Note."  
8

9 b. 15 U.S.C. §1692e2(A) by misrepresenting the character, amount, or legal  
10 status of the debt, as Ms. Enriquez did not owe the amount represented in  
11 the letter from Defendant.  
12

13 c. 15 U.S.C. §1692f(1) by collecting any amount not permitted by law, as  
14 Ms. Enriquez had a Judgment entered for an amount significantly lower  
15 than the amount that Defendant was attempting to collect.  
16

17 13. The Plaintiff has suffered economic, emotional, general, and statutory damages  
18 as a result of these violations of the FDCPA.  
19  
20

21 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
22 against Defendant for actual damages, costs, interest, and attorneys' fees.  
23  
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**DEMAND FOR JUDGMENT RELIEF**

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages; and
- c. Statutory costs and attorneys' fees.

**JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

DATED: August 31, 2015

KENT LAW OFFICES

By: /s/ Trinette G. Kent  
Trinette G. Kent  
Attorneys for Plaintiff,  
Xochitl Enriquez

